

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8277 of 2021

Prosenjit Ghosh
Vs.
West Bengal State Electricity
Distribution Company Limited & Ors.

Mr. Kishore Mukherjee
... For the petitioner

Affidavit of service filed in Court today is
taken on record.

Despite service, the respondents remain
unrepresented.

The petitioner is the son of a former
employee of West Bengal State Electricity
Distribution Company Limited (in short, WBSEDCL).
The petitioner's father namely, Provakar Ghosh, died-
in-harness on 25th May, 2018. The petitioner made
an application on 2nd August, 2018, for being given
employment on compassionate ground. The said
application dated 2nd August, 2018 was considered
and rejected on 3rd November, 2018. The petitioner
says that on the ground that the petitioner had
exceeded the maximum age permissible to consider
the appointment on compassionate ground as per the
existing policy the petitioner's application was
rejected. A prayer for reconsideration made by the

petitioner was also rejected on 16th October, 2019.

The petitioner now says that he has obtained a certificate to demonstrate that he belongs to the Other Backward Classes (in short, OBC). The petitioner further says in case of OBC, the petitioner is entitled to a age relaxation and, as such, the initial rejection considering the petitioner's case under general category for being over aged is now no more an embargo to consider the petitioner's case afresh. Although a person cannot be allowed to make representations one after the other till the result on considering the representation is in favour of such person. In fact, a writ petition on this ground has been held to be liable to be dismissed. Moreover a claim for compassionate appointment is not a matter of right.

In any event, since the petitioner says that the whole basis on which his application was considered and rejected has changed in view of his OBC certificate, I direct the respondents to consider the petitioner's representation dated 13th March, 2020 in the light of the changed circumstances strictly in accordance with the prevailing policy of WBSEDCL, if any, for the purpose of giving compassionate appointment.

The competent authority shall dispose of

the petitioner's representation dated 13th March, 2020 by a reasoned order after giving the petitioner a reasonable opportunity to present his case following the prevailing Covid-19 protocol. The petitioner's representation should be disposed of within a period of eight weeks from the date of communication of this order. I have not gone into the merits of the petitioner's claim or as to his representation dated 13th March, 2020 and the authority concerned shall be free to decide the petitioner's case on merits without being in any way influenced by this order. The parties shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)